IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

APPEAL FROM ORDER NO.24 OF 2004

Kanwal G. Singh ...Appellant

vs.

Goregaon Sports Club & Anr. ...Respondents

CORAM: A.S.OKA,J.
DATE : APRIL 8,2005.

P.C.:

1. When the Civil Application No.1528 of 2004 was placed for hearing on board, the Counsel appearing for the parties stated that instead of keeping the Appeal from Order pending, the same can be disposed of by directing the learned Trial Judge to dispose of the suit expeditiously and till the disposal of the suit the Appellant-Plaintiff will be entitled to provisionally enjoy the facilities and amenities in the capacity of life member and the Appellant, his wife and minor children will be issued provisional identity cards mentioning therein that the Appellant is the provisional life member of the Respondent No.1-Club subject to final result of the suit. The parties agree that this arrangement will be subject to right of the Respondent No.1 to take action in accordance with Rule 9 of Bye-laws, in accordance with Memorandum of Association as well as any other rules of the Club or Association.

2. Hence, I pass the following order :

i) Appeal from Order is disposed of by directing that the Respondent No.1 will allow the Appellant, his wife and minor children to utilise the club facilities and amenities by issuing provisional identity cards to the Appellant, his wife and minor children mentioning therein that the Appellant is the provisional life member of Respondent No.1-Club subject to final decision of the suit. The Appellant,his wife and minor children are entitled to utilise the facilities and amenities of the Club subject to right of the Respondent No.1 to take action against them as provided in accordance with Rule 9 of the Bye-laws, in accordance with Memorandum of Association as well as any other rules of the Club.

ii) Hearing of the suit is expedited. The learned Trial Judge is directed to decide the suit on or before 31st December 2005.

iii) All contention of the parties in the suit are expressly kept open.

iv) Concerned Court and the parties to act upon an authenticated copy of this order.

JUDGE.